

JS 44C/SDNY
REV. 06/01/17

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Touchstone Strategic Trust, Touchstone Variable Series Trust, The Western and Southern Life Insurance Company, Western-Southern Life Assurance Company, Western & Southern Financial Group, Inc., and Integrity Life Insurance Company

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

William A. Maher, Steven S. Fitzgerald, Roselind F. Hallinan
Wollmuth Maher & Deutsch LLP, 500 Fifth Ave., New York, NY 10110
(212)382-3300

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 U.S.C. §78j(b);78t(a) 17 C.F.R. §240.10b-5; Securities Fraud-Violations of Sections 10(b) & 20(a) of Exchange Act & SEC Rule 10B-5;
O.R.C. § 1707.43; Common Law Fraud

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 422 APPEAL 28 USC 158	[] 375 FALSE CLAIMS	[] 376 QUI TAM
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 21 USC 881	[] 423 WITHDRAWAL 28 USC 157	[] 400 STATE REAPPORTIONMENT	[] 410 ANTITRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER		[] 430 BANKS & BANKING	[] 440 COMMERCE
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY				[] 460 DEPORTATION	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY	[] 820 COPYRIGHTS [] 830 PATENT		[] 480 CONSUMER CREDIT	[] 490 CABLE/SATELLITE TV
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD [] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION			
[] 152 RECOVERY OF DEFOLTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY		[] 840 TRADEMARK	SOCIAL SECURITY		
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL INJURY	LABOR	[] 861 HIA (1395f) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWV (405g)) [] 864 SSID TITLE XVI [] 865 RSI (405g))	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[] 160 STOCKHOLDERS SUITS		[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT [] 720 LABOR/MGMT RELATIONS	[] 890 OTHER STATUTORY ACTIONS	
[] 190 OTHER CONTRACT			PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT [] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 891 AGRICULTURAL ACTS	
[] 195 PRODUCT LIABILITY			[] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 790 OTHER LABOR LITIGATION [] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609	[] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OF INFORMATION ACT
[] 196 FRANCHISE	CIVIL RIGHTS	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 530 HABEAS CORPUS [] 535 DEATH PENALTY [] 540 MANDAMUS & OTHER			[] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
REAL PROPERTY				IMMIGRATION	[] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 210 LAND CONDEMNATION	[] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ ACCOMMODATIONS	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION			
[] 220 FORECLOSURE		[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[] 465 OTHER IMMIGRATION ACTIONS		
[] 230 RENT LEASE & EJECTION						
[] 240 TORTS TO LAND						
[] 245 TORT PRODUCT LIABILITY						
[] 290 ALL OTHER REAL PROPERTY						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ _____ OTHER _____

JUDGE Hon. Jesse M. Furman

DOCKET NUMBER 17-cv-08457

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|--|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | | |
| <input type="checkbox"/> a. all parties represented
<input type="checkbox"/> b. At least one party is pro se. | | | | | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	[] 1	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	PTF	DEF
CITIZEN OF ANOTHER STATE	[] 2			INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4			FOREIGN NATION	[] 6		

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 02/27/2019 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
 NO
 YES (DATE ADMITTED Mo. 07 Yr. 2007)
 Attorney Bar Code # SF0803

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)